

Amendments to the Drawings

Please substitute the attached drawing sheet (containing Figures 10A-10C) of corrected drawings for the drawing sheet containing Figures 10A-10C originally filed with the application. The specific changes that have been made to Figures 10A-10C is that each figure is now labeled "Prior Art."

REMARKS

The Office Action mailed August 2, 2005, has been reviewed and the Examiner's comments carefully considered. Claims 1 and 2 have only been amended to provide the proper antecedent basis for "base frame." Reconsideration of the present application is respectfully considered.

Drawings

Drawing figures 10A-10C are objected to. As suggested by the Examiner, figures 10A-10C have been amended and are now designated by the legend "Prior Art." Thus, reconsideration and withdrawal of the objection is respectfully requested.

Double Patenting Rejection

Claims 1-10 were rejected under the judicially created doctrine of obviousness type double patenting over claims 1-6 of copending U.S. Patent Application No. 10/780,583. Claims 1-10 remain pending in the application.

As noted in the Office Action, an obviousness type double patenting rejection can be overcome by the filing of a terminal disclaimer. An appropriate terminal disclaimer together with the requisite fee is submitted concurrently herewith. Thus, withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,841,741 ("Kajiyama"). The rejection should be withdrawn because Kajiyama does not disclose, teach or suggest each and every element of claims 1-10.

For example, Kajiyama fails to teach a seat-load measuring apparatus comprising "a base bracket fixed to the seat rail...wherein at least one of the base frame and the base bracket include a load support mechanism to support a load heavier than a predetermined load imposed on the vehicle seat" as claimed in independent claim 1.

Kajiyama only teaches a base frame 21 and a rail bracket 45. The base frame 21 attaches to a vehicle body or seat rail. (See Col. 6, line 20-23.) The rail bracket 45 connects a seat weight measuring apparatus 10 to a lower seat rail 15. (See Col. 5, line 63-66.) In contrast, the claimed seat-load measuring apparatus includes a “base frame” and “a base bracket fixed to the seat rail...wherein at least one of the base frame and the base bracket include a load support mechanism.” A representative embodiment of the claimed invention is shown in Figs. 8(A) – 8(D).

The Examiner has not identified with any specificity a “base frame,” a “base bracket” or a “load support mechanism” disclosed by Kajiyama. Instead, the Examiner generally cites Col. 5, lines 53-67 and Col. 6, lines 1-48 as disclosing the invention as claimed in claim 1. However, the structure claimed in claim 1 is not taught by Kajiyama and particularly by the sections cited by the Examiner. Specifically, neither a “base bracket” nor a “load support mechanism” are disclosed. Moreover, the Examiner’s failure to identify the “base bracket” and “load support mechanism” with particularity is not surprising because Kajiyama fails to disclose, teach or suggest these elements of claim 1. Claims 2-10 depend from claim 1 and are allowable for at least the reasons set forth above. Thus, reconsideration and withdrawal of claims 1-10 is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/1/2005

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